

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PENNSYLVANIA STATE CONFERENCE OF
THE NAACP, *et al.*,

Plaintiffs,

v.

LEIGH M. CHAPMAN, in her official capacity as
Acting Secretary of the Commonwealth, *et al.*,

Defendants.

Case No. 1:22-cv-00339-SPB

MOTION FOR SCHEDULING CONFERENCE

Plaintiffs respectfully request that this Court convene a call to develop a schedule for the expedited resolution of this case, and as grounds therefor aver as follows:

1. While still possible, it appears that no races from the recently completed 2022 midterm election are close enough to be determined by uncounted mail-in ballots that were submitted in undated or purportedly mis-dated envelopes, thus negating the need for emergency motions practice to prevent imminent, irreparable harm.
2. Nonetheless, as this Court suggested during the November 9 status call, an *expedited* schedule is in order. Plaintiffs suggest targeting a decision prior to the May 2023 primary election.
3. Ordinarily, Plaintiffs' counsel would work informally with Defendants' attorneys to develop a proposed schedule before approaching the court, but

with sixty-eight defendants and multiple proposed intervenor defendants, such an exercise is impractical.

4. Plaintiffs propose the following tentative schedule:
 - a. November 30, 2022: Plaintiffs' deadline to file Amended Complaint.
 - b. December 2, 2022: Written fact discovery begins (Plaintiffs expect to request limited discovery, including basic information about the uncounted mail-in ballots, lists of excluded voters, county board meeting minutes and/or transcripts, and any relevant guidance adopted by the respective counties, all of which the Counties already have or will have by month's end).
 - c. December 9, 2022: Defendants' responsive pleadings deadline.
 - d. December 17, 2022: Initial disclosures due.
 - e. December 23, 2022: Plaintiffs' responses to motions to dismiss, if any.
 - f. January 6, 2023: Written fact discovery closes.
 - g. January 6, 2023: Plaintiffs' expert report(s) due (Plaintiffs currently expect to proffer one expert witness).
 - h. January 20, 2023: Defendants' expert report(s), if any, due.
 - i. February 10, 2023: Expert and fact discovery closes.
 - j. Between mid-February and mid-March: evidentiary hearing (if necessary to supplement what we hope can be a largely stipulated record).
 - k. One week after close of hearing: Plaintiffs' proposed Findings of Fact and Conclusions of Law.
 - l. One week thereafter: Defendants' proposed Findings of Fact and Conclusions of Law.
 - m. One week thereafter: Plaintiffs' response to Defendants' proposed Findings and Conclusions.
 - n. May 16, 2023: Likely date of Pennsylvania primary elections.

5. The proposed schedule is reasonable and achievable. The material facts and legal issues should be relatively straightforward, allowing Plaintiffs to propound uniform, short written discovery on each County Defendant. The proposed accelerated schedule will allow for the development of a complete record and a final merits resolution to the case before the next election.
6. Plaintiffs shared the proposed schedule with the Defendants and the Proposed Intervenor-Defendants prior to the filing of this motion.
7. Plaintiffs have no objection to holding any proceedings in this case in tandem with *Eakin v. Adams County*, Civ. No. 22-340, a parallel case also before this Court. Counsel for *Eakin* Plaintiffs have been apprised of the proposed schedule.

WHEREFORE, Plaintiffs respectfully request that this Court schedule a status call with the parties as soon as practicable to discuss and finalize the proposed schedule.

Dated: November 23, 2022

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Respectfully submitted,

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